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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,177	04/20/2001	Erik Riedel	10008120-1	1565

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EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/838,177	Applicant(s) RIEDEL, ERIK	
	Examiner VAN H NGUYEN	Art Unit 2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 are presented for examination.

Claim Objections

2. Claims 9 and 10 are objected to because of the following informalities:

“determine whether the request is of the first or second type said request” (claim 9, lines 4-5) should read “determine whether the request is of the first or the second type”

“multiple hosts in a subset for said first type of said request responds” (claim 10, lines 1-2) should read “multiple hosts in a subset for said first type of said request respond”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the following steps as recited in claims 1-29:

- **ignoring** said request if said request is of the second type
- **not responding** to said second type of said request

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kandasamy et al.** (U.S. 5,513,314).

8. As to claim 1, Kandasamy teaches the invention as claimed including a method of responding to a request in a distributed system (see fig. 1), the distributed system including a plurality of hosts (12, 14; fig.1), wherein each host is operable to respond to at least one type of request (col.5, lines 55-63; col.6, lines 4-12; and col.14, lines 40-45), the method comprising steps of:

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- receiving a multicasted message, the message including a request (col.7, lines 1-7);
- determining if the request is of a first type or a second type (col.5, lines 57-63 and col.8, lines 31-59);
- responding to the request if the request is of the first type (col.6, lines 4-12; col.14, lines 40-45; and col.15, lines 25-26); and
- ignoring the request (col.14, lines 46-49 and col.15, lines 29-33).

While Kandasamy teaches ignoring the request, Kandasamy does not specifically teach “if the request is of the second type.”

It would have been obvious to one of ordinary skill in the art to have applied the teachings of Kandasamy to include the features as claimed because Kandasamy’s teachings would have provided a high degree of fault tolerance protection for data manipulated within a network filesystem environment through the use of a specialized NFS transaction protocol for insuring a robust, fault tolerance mirroring of data two or more network file servers.

The fact that Kandasamy’s teachings “the secondary server 14 effectively ignores the read request” (col.5, lines 29-30); and “ignores the read request” in Kandasamy suggests “if the request is of the second type.”

9. As to claim 2, Kandasamy teaches designating a subset of the plurality of hosts (see fig.1) for the first and second types of request (col.4, lines 4-12 and col.14, lines 40-45).

10. As to claim 3, Kandasamy teaches a host of the plurality of hosts responding to the request in response to the host being included in a subset for the first type of the request (col.4, lines 4-12).

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11. As to claim 4, Kandasamy teaches determining whether responding to the request includes providing a state-changing response (col.10, line 60-col.11, line 10).
12. As to claim 5, Kandasamy teaches generating multiple responses from multiple hosts in the subset for the first type of the request (col.11, lines 44-49); transmitting said multiple responses to a client in response to said responding including a non-state-changing-response (see fig.6 and the associated text); and synchronizing said multiple responses in response to said responding including a state-changing-response (col.11, 16-42).
13. As to claim 6, Kandasamy teaches designating a synchronizing host operable to facilitate transmitting one of the multiple responses to the client (see fig.6 and the associated text).
14. As to claim 7, Kandasamy teaches transmitting a message to each host in the subset for the type of the request (col.7, lines 3-4), the message indicating that a response has been transmitted to the client (col.8, lines 32-49); and deleting the request from a queue for each host receiving the message (col.17, lines 25-33).
15. As to claim 8, Kandasamy teaches the type of request includes one of a meta data request and a data request (col.5, lines 57-63).
16. As to claim 21, Kandasamy teaches receiving a multicasted message via a network in the distributed system (see fig.1 and the associated text on col.4, lines 60-61 and col.7, lines 1-7).
17. As to claim 22, Kandasamy teaches the state-changing response includes changing a state of data stored in the host (see fig.4 and the associated text).
18. As to claim 9, note the rejection of claim 1 above. Claim 9 is the same as claim 1, except claim 9 is a system claim and claim 1 is a method claim.

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19. As to claim 10, Kandasamy teaches multiple hosts in a subset for said first type of said request respond to the first type of said request (col.6, lines 4-12; col.14, lines 40-45; and col.15, lines 25-26)
20. As to claim 11, refer to claim 4 above for rejection.
21. As to claim 12, Kandasamy teaches said subset for said first type of said request includes a synchronization host, said synchronization host is operable to facilitate transmitting a single response to a client in response to said multiple hosts in said subset generating a state-changing response (see fig.3 and the associated text).
22. As to claims 13, 14, 23, and 24 refer to claims 5, 8, 21, and 22 above for rejection
23. As to claims 15-20, 25, and 26, note the rejection of claims 1-5, 8, 21, and 22 above. Claims 15-20, 25, and 26 are the same as claims 1-5, 8, 21, and 22, except claims 15-20, 25, and 26 are computer readable medium claims and claims 1-5, 8, 21, and 22 are method claims.
24. As to claim 27, it includes the same limitations as claim 1 above, and is similarly rejected under the same rationale.
25. As to claim 28, it includes the same limitations as claim 10 above, and is similarly rejected under the same rationale.
26. As to claim 29, refer to claim 4 above for rejection.

Response to Arguments

27. Applicants' arguments filed July 07, 2004 have been considered but are moot in view of the new ground(s) rejection.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hagglund et al. (U.S. 6584101) teaches "A node may also optionally inspect the message type field within broadcast messages in order to determine which messages it will respond to, and which messages should be considered an error "

- Hogan et al. (U.S. 6279038) teaches "Requesting application SA102A for example, can inform CLIF SA104A as to the certain types of messages that it is accepting. If a message is received by CLIF SA104 and it is not one of these message types, CLIF SA104A ignores or discards the message."

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (703) 306-5971. **After mid-October, 2004, the examiner can be reached at (571) 272-3765.** The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 15, 2004

VN


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